

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA, and
STATE OF NEW YORK,
ex rel. BETH LILLA AND LINDA
SCARLATO,

Plaintiffs,

- against -

ADULTS AND CHILDREN WITH
LEARNING AND DEVELOPMENTAL
DISABILITIES, INC.,

Defendant.

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**JOINT NOTICE OF ELECTION TO
DECLINE INTERVENTION**

Civil Action No.
16-CV-1032

(Ross, J.)
(Tomlinson, M.J.)

Pursuant to the False Claims Act, 31 U.S.C. § 3730(b)(4)(B), the United States and New York, pursuant to N.Y. Fin. Law, Art. 13, §190 (2)(c), notify the Court of their respective decisions not to intervene in this action.

The United States and New York respectfully refer the Court to 31 U.S.C. § 3730(b)(1) and N.Y. Fin. Law, Art. 13, §190 (2)(f), which allow the Relators to maintain the action in the name of the United States and New York, respectively; providing, however, that the “action may be dismissed only if the court and the Attorney General give written consent to the dismissal and their reasons for consenting.” *Id.*; *see also* N.Y. Fin. Law, Art. 13, §190 (9)(b). Therefore, the United States and New York request that, should either the Relators or Defendant propose that this action be dismissed, settled, or otherwise discontinued, this Court solicit the written consent of the United States and New York as to their respective claims before ruling or granting its approval.

Furthermore, pursuant to 31 U.S.C. § 3730(c)(3) and N.Y. Fin. Law, Art. 13, §190 (2)(b), respectively the United States and New York request that all pleadings filed in this action

be served upon the United States and New York; the United States and New York also request that orders issued by the Court be sent to the respective undersigned Government's counsel. The United States and New York reserve their rights to order any deposition transcripts and to intervene in this action, for good cause, at a later date. The United States and New York also requests that they be served with all notices of appeal.

Finally, the United States and New York request that the Complaint, this Notice, and the attached proposed Order be unsealed. The United States and New York request that all requests by the United States and the State of New York for extensions of the seal and any related documents remain under seal.

A proposed order accompanies this notice.

Respectfully submitted,

Dated: Brooklyn, New York
February 25, 2022

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Dated: New York, New York
February 25, 2022

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